ESSB 5810

Brief Description: Adding attempted murder to the list of offenses that may not be prosecuted more than ten years their commission.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senator Padden).

Brief Summary of Engrossed Substitute Bill

- Extends the statute of limitations for Attempted Murder from three to 10 years.

Hearing Date: 3/14/17

Staff: Kelly Leonard (786-7147).

Background:

Murder. A person is guilty of Murder in the first degree when:
- with a premeditated intent to cause the death of another person, he or she causes the death of such person or of a third person;
- under circumstances manifesting an extreme indifference to human life, he or she engages in conduct which creates a grave risk of death to any person, and thereby causes the death of a person; or
- he or she commits or attempts to commit the crime of Robbery in the first or second degree, Rape in the first or second degree, Burglary in the first degree, Arson in the first or second degree, or Kidnapping in the first or second degree, and in the course of or in furtherance of such crime or in immediate flight therefrom, he or she, or another participant, causes the death of a person other than one of the participants.

A person is guilty of Murder in the second degree when:
- with intent to cause the death of another person but without premeditation, he or she causes the death of such person or of a third person; or
- he or she commits or attempts to commit any felony, including assault, other than those included in Murder in the first degree, and, in the course of and in furtherance of such

---

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

crime or in immediate flight therefrom, he or she, or another participant, causes the death of a person other than one of the participants.

Murder in the first degree is a class A felony and seriousness level XV offense, and Murder in the second degree is a class A felony and seriousness level XIV offense.

Attempt. An inchoate offense, also referred to as an anticipatory offense, is a type of crime completed by taking a punishable step towards the commission of another crime. The inchoate offenses are Attempt, Solicitation, and Conspiracy.

A person is guilty of Attempt if, with intent to commit a specific crime, he or she does any act which is a substantial step toward the commission of that crime.

A conviction of Attempt is a class A felony when the crime attempted is Murder in the first or second degree. Under the Sentencing Reform Act, the sentence range for Attempt is determined by taking the range for the completed crime and multiplying it by 75 percent.

Statute of Limitations. A statute of limitations is a time limit for initiating prosecution after a crime is committed. Once a statute of limitations has expired, a prosecutor is barred from bringing charges against an alleged perpetrator. Statutes of limitations vary according to the crime. Generally, simple misdemeanors must be prosecuted within one year, gross misdemeanors must be prosecuted within two years, and felony offenses must be prosecuted within three years of the commission of the crime. However, there are many exceptions for specified crimes.

Murder in the first and second degree do not carry a statute of limitations, meaning they can be prosecuted at any time after their commission. Inchoate offenses, including Attempt, are subject to the general statute of limitations. Attempted Murder, a felony, has a statute of limitations of three years.

Summary of Bill:

The statute of limitations for Attempted Murder is extended to 10 years.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.